



Austin City Council MINUTES

MAY 15, 1997
THURSDAY, REGULAR MEETING

1. Approval of Minutes for Regular Meetings of May 7 and 8, 1997
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Griffith temporarily absent.

CITIZENS COMMUNICATION: GENERAL

2. Mr. Roger Baker, to discuss matters arising.
3. Mr. Richard Knowlton, to discuss bleeding the citizens.
4. Mr. Steve Moore, to discuss affordable housing.
5. Ms. Audra Mills, to discuss HIP funding request.
6. Mr. Ricardo Diaz de Leon, to discuss women's transitional housing; Push-Up Foundation.
7. Ms. Linda Del Toro, to discuss women's transitional housing; Push-Up Foundation.
8. Mr. Odus Crumley, to discuss Push-Up Foundation, Inc., plans to make Austin, Texas a better place to raise a family.
9. Mr. Ben Ogbodiegwu, to discuss HIP funding request.
10. Mr. Richard Troxell, to discuss homelessness- we're all vulnerable.
11. Mr. David Mintz, to discuss Electric Utility's tree cutting program.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZENS COMMUNICATION: CONSENT AGENDA

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

12. Approve a resolution authorizing execution of Amendment #3 to the contract with TURTLE MOUNTAIN GROUP CONSULTING, INC., (MBE/MN), Austin, Texas, for additional consulting services of the City's land information utility billing system, in an amount not to exceed \$46,000, for a total contract amount of \$413,700. (Funding was included in the 1996-97 Capital Budget of the

Electric Utility Department.) No M/WBE Subcontracting opportunities were identified.

Approved

Human Resources

13. Approve an ordinance authorizing acceptance of \$25,000 in additional grant funds from the U.S. Department of Housing and Urban Development for the Fair Housing Assistance Program; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating an additional \$25,000 in grant funds for the Human Resources Department Special Revenue Fund, for a total grant amount of \$100,000. (A City match is not required.)
Ordinance No. 970515-A approved

Health and Human Services

14. Approve a resolution authorizing an Interlocal Cooperation Agreement with Travis County to fund and administer the Summer Youth Employment Program for the period May 1, 1997 to September 30, 1997, with five one-year renewal options, in the amount of \$200,000. (Funding was included in the 1996-97 operating budget of the Health and Human Services Department's Travis County Reimbursed Fund. Funding for each renewal will be determined by the amount budgeted and approved by the City Council and Commissioner's Court.)

Approved

15. Amend Ordinance 960910-G, the 1996-97 operating budget of the Health and Human Services Department by decreasing budgeted expenditures of the Health and Human Services Department by \$75,000; and increasing budgeted expenditures for Social Services Contracts by \$75,000 (net effect to General Fund is \$0). [Recommended by Community Action Network] **(Related to Item 16)**

Ordinance No. 970515-B approved

16. Approve a resolution authorizing Amendment #2 to the Interlocal Cooperation Agreement for Human Services Program between the City of Austin and Travis County for social services contracts, by increasing the City's payment in an amount not to exceed \$75,000 for construction jobs training, youth apprenticeships and school-to-work programs for high school youth, for a total amount not to exceed \$5,937,441. (Funding is available in the Amended 1996-97 operating budget of the Austin/Travis County Health and Human Services Department) .) [Recommended by Community Action Network] **(Related to Item 15)**

Approved

Items 12 through 16 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

17. Amend Ordinance 960910-G, the 1996-97 operating budget of the Disproportionate Share Fund of the Health and Human Services Department, by increasing budgeted expenditures by \$250,000 and decreasing the ending balance by \$250,000 for an amended ending balance of \$1,692,857 to

Fund consultant services in support of the Indigent Care Work Team and related studies. (\$250,000 in Medicaid Disproportionate Share Revenue is available from the Texas Department of Health.) [Related to Items 18-19]

Ordinance No. 970515-C approved

18. Approve a resolution to negotiate and execute a contract with THE OSBORNE GROUP, INC., White Plains, New York, to review current City/County Federally Qualified Health Centers, in an amount not to exceed amount of \$118,213. (Funding was included in the 1996-97 Operating Budget of the Disproportionate Share Fund.) Best proposal of five. No M/WBE Subcontracting opportunities were identified. **(Related to Items 17 & 19)**

Approved

19. Approve a resolution to negotiate and execute a contract with RESEARCH & PLANNING CONSULTANTS, INC., Austin, Texas, to provide a Federally Qualified Health Centers Partnered Audit, in an amount not to exceed \$49,235. (Funding was included in the 1996-97 Operating Budget of the Disproportionate Share Fund of the Health and Human Services Department.) Best proposal of four. No M/WBE Subcontracting opportunities were identified. **(Related to Items 17 & 18)**

Approved

Items 17 through 19 approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Parks and Recreation

20. Approve an ordinance authorizing acceptance of \$32,313 in additional grant funding from the Capital Area Planning Council (CAPCO) and an additional \$10,671 from the United States Department of Agriculture for the Senior Luncheon Program; amend Ordinance 960910-G, the 1996-97 operating budget, amending the Special Revenue Fund by appropriating an additional \$42,984 to the Parks and Recreation Department Special Revenue to provide increased services through the Senior Luncheon Program. (A City match is not required.)

Ordinance No. 970515-D approved

21. Set a public hearing to approve a 0.004 acre (192 square feet) license agreement to allow the construction of a wastewater line through dedicated parkland known as Walnut Creek Greenbelt in accordance with Section 26.001 et seq. of the Texas Parks and Wildlife Code. (All associated costs will be paid by the requester.) [suggested date and time: June 12, 1997 at 6:00 P.M.]

Approved

Library

22. Approve a resolution authorizing execution of a twelve month supply agreement with INGRAM LIBRARY SERVICES, INC., Lavergne, Tennessee, for the purchase of books for the Austin libraries, in an amount not to exceed \$1,175,000 with two twelve month extension options in an amount not to exceed \$1,175,000 per extension, for a total contract amount not to exceed \$3,525,000. (Funding in the amount of \$390,000 was included in the 1996-97 Capital budget, \$5,000 was included in the 1994-95 Capital budget, and \$325,000 was included in the 1996-97

operating budget of the Library Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Best discount of two. No M/WBE Subcontracting opportunities were identified.

Approved

Financial Services

23. Approve a resolution authorizing execution of a twelve month supply agreement with AIR PRODUCTS, Irving, Texas, for the purchase of industrial gases and cylinder rental for use by several departments in operating and maintenance purposes, in an amount not to exceed \$179,365 with the option to extend for two twelve month periods, in an amount not to exceed \$179,365 per extension, for a total contract amount of \$538,095. (Funding in the amount of \$67,860 was included in the 1996-97 operating budget of Electric Utility; \$4,167 was included in the 1996-97 operating budget of Fleet Services; and \$625 was included in the 1996-97 operating budget of the Airport. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of five. No M/WBE Subcontracting opportunities were identified. (Recommended by Electric Utility Commission)

Approved

Public Works

24. Approve an ordinance authorizing the vacation, to the State of Texas, of the 1500 Block of Brazos Street and the adjoining alley extending from Brazos Street to San Jacinto Street; authorize the negotiation and execution of a license agreement with the State General Services Commission for an underground tunnel crossing the 100 Block of East 15th Street for the proposed Robert E. Johnson State Office Building, contingent upon compensation through a property exchange agreement. (Recommended by Planning Commission)

Ordinance No. 970515-E approved

Items 20 through 24 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

Housing

25. Approve a resolution amending the City's Annual Consolidated Plan and the 1996 Community Development Program by reprogramming an amount not to exceed \$2,882,073 of Community Development Block Grant (CDBG) funds to programs to be determined by the City Council. (CDBG funds are available from the allocation of current and prior year funds.) [Recommended by Community Development Commission] **(Related to Item 26)**

5:30 P.M.

Approved with following reconciliation's:

Central City Entertainment Center	\$ 392,000
One Stop Career Shop	1,900,000
American Institute for Learning	100,000
Texas Asian Chamber of Commerce	29,360
Businesses Invest in Growth	67,213

METSA	17,000
COA Public Parks & Recreation	117,300
Push Up Foundation	14,200
SER Jobs for Progress	15,100
SCAN	42,400
Austin Community Nursery Schools	22,500
Big Brothers/Big Sisters	28,700
Casa Marianella	5,300
Eastside Story	50,000
Rites of Passage	15,000
LIFE, Inc.	10,000
Austin Academy	11,700
Austin Tenant's Council/Taking Action, Inc.	29,300
First Call for Help (United Way)	15,000

26. Approve a resolution awarding various contracts utilizing an amount not to exceed \$2,882,073 of reprogrammed Community Development Block Grant (CDBG) funds to recipients to be determined by the City Council. (CDBG funds are provided from the allocation of prior year funds which have been reprogrammed and made available for these contracts.) [Related to Item 25]

5:30 P.M.

Approved

Items 25 and 26 approved on, Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 6-0 vote, Councilmember Mitchell absent.

27. Approve a resolution authorizing a \$115,000 deferred payment loan to the Push-Up Foundation, Inc., for the acquisition of 1700 East 2nd Street to serve as transitional housing for homeless women in need of substance abuse services. (Funding is available in the 1996-97 Operating Budget Special Revenue Fund of the Neighborhood Housing and Community Development Office (22nd Year CDBG Housing Implementation program [HIP] Funds).

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

Development Review And Inspection

28. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 1704 to 1710 Lovingood Drive, Case No. C14-96-0064, from "SF-3," Family Residence, to "LO-CO", Limited Office-Conditional Overlay, zoning with conditions. First reading on April 24, 1997; Vote: 6-1, Mitchell voting nay. Second reading on May 9, 1997; Vote: 7-0. Conditions met as follows: Ordinance incorporates conditions imposed by Council at second reading.

Ordinance No. 970515-F approved Planning Commission recommendation subject to following conditions: 1. Masonry fence on south side of tract; and 2. Wrought iron fence in addition to required screening and landscaping per 13-2-736, *NOTE: LO uses are contingent upon plat vacation, on, Councilmember Mitchell's motion, Mayor Pro Tem Garcia's second, 6-0 vote, Mayor Todd off the dais.

29. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by

rezoning property locally known as 4600 Nixon Lane, Case No. C14-96-0082, from "SF-2", Single Family Residence (Standard Lot) to "CS-CO", General Commercial Services, zoning with conditions. First reading on August 22, 1996; Vote: 6-0, Mitchell off the dais. Conditions met as follows: Street Deed executed. Restrictive Covenant and Ordinance incorporates the conditions imposed by Council at first reading. City Staff: Gregory Guernsey, 499-2387.

Ordinance No. 970515-G approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

30. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as South MoPac Expressway and West Slaughter Lane, Case No. C14-96-0160, from "I-SF-2", Interim Single Family Residence (standard lot) and "I-RR", Interim Rural Residence to "SF-2", Single Family Residence (standard lot); "P", Public District; "GO", General Office; "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay; "RR", Rural Residence; and "GR-CO", Community Commercial-Conditional Overlay zoning with conditions. First and Second readings on May 9, 1997; Vote: 6-1, Slusher voting nay. Conditions met as follows: Ordinance incorporates the conditions imposed by Council at second reading. City Staff: Joe Arriaga, 499-2308. **(Related to Item 51)**

Ordinance No. 970515-H approved on, Councilmember Mitchell's motion, Mayor Todd's second, 6-1 vote, Councilmember Slusher voting "NO".

ITEMS FROM COUNCIL

31. Approve an ordinance designating June 7, 1997 as Free Swim Day at Barton Springs Pool. (Councilmember Jackie Goodman)
Ordinance No. 970515-I approved
32. Direct the City Manager to work with City staff and boards and commissions to review the boundaries of the Electric and Water/Wastewater Utility service areas and report on their findings to the City Council within 60 days. (Councilmember Jackie Goodman)
Approved, subject to 40 hours limitations.

Items 31 and 32 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

33. Approve a Fee Waiver Policy. (Mayor Bruce Todd)
Approve staff to recommend and draft an ordinance and bring back to Council on, Councilmember Goodman's motion, Mayor Todds second, 7-0 vote.
34. Set a public hearing to approve a resolution exempting the Ilcor Industrial Laminates Corporation, located at 1806 East 4th Street, from the East Austin Moratorium, Ordinance No. 970410-L. (Suggested date and time: June 5, 1997 at 6:00 p.m.) [Mayor Pro Tem Gus Garcia and Mayor Bruce Todd]
Approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

5. Approve a resolution establishing a Flood Plain Task Force. (Councilmembers Jackie Goodman and Daryl Slusher and Mayor Pro Tem Gus Garcia)

Approved with friendly amendment by Councilmember Slusher as follows: After "Be it resolved by the City Council of the City of Austin: substitute:

That the City Council establishes a Flood Plain Task Force to review the current flood plain requirements in light of the intended purpose and goals and to study the long term implications of existing and future development along Austin's creeks and the various mitigation alternatives, including but not limited to buyouts, levees, reservoirs, redirection and channelization. The Flood Plain Task Force shall be composed of 9 (nine) members, one selected by each Councilmember and two selected by consensus. The City Manager shall appoint 2 staff members with appropriate expertise to work with the Task Force, shall appoint 2 staff members with appropriate expertise to work with the Task Force.

Be it further resolved:

That the Task Force shall give particular concern to problems and solutions in the Onion Creek area, stay in close communication with the consultant on Onion Creek flooding, and review and comment on the consultant's report; and

Be it further resolved:

That the Flood Plain Task Force final report and recommendations be presented to Council by September 1, 1997, if possible, at which time the Task Force shall automatically terminate, on, Councilmember Slusher's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Griffith and Reynolds off the dais.

36. Approve a resolution requesting a report on regulations concerning erosion and sedimentation controls and retrofit requirements. (Councilmembers Jackie Goodman and Beverly Griffith, and Mayor Pro Tem Gus Garcia)

Approved

37. Approve a resolution establishing an Environmental Justice Task Force. (Councilmembers Jackie Goodman and Beverly Griffith, and Mayor Pro Tem Gus Garcia)

Approved

38. Approve release of approximately 4,856 acres of the City of Austin's extraterritorial jurisdiction. (Councilmember Daryl Slusher)

Approved

39. Direct the City Manager to review flex-time options for all City departments and report back to City Council. (Councilmember Ronney Reynolds)

Approved

Items 36 through 39 approved on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 7-0 vote.

40. Amend Section 2-4-456 of the City Code relating to the composition of the Urban Forestry Board.. (Councilmember Jackie Goodman)

Postponed indefinitely.

41. Approve a resolution resuming the Speed Hump Program and authorize the City Manager to require the neighborhoods to pay the expense of installing speed humps, except in the case of economic disadvantage. (Councilmember Eric Mitchell and Mayor Pro Tem Gus Garcia)
Citizen comments and Council discussion held.

4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

42. C14-88-0026 - Public hearing to amend Chapter 13-2 of the Austin City Code by terminating the restrictive covenant for property locally known as Rutherford Lane and Cameron Road. Planning Commission Recommendation: To Approve the termination of the restrictive covenant. City Staff: David Wahlgren, 499-6455.

Approved

43. C14-96-0153 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 835 North Bend Drive from "I-RR", Interim Rural Residence to "GR", Community Commercial. Planning Commission Recommendation: To Grant "LR-CO", Neighborhood Commercial-Conditional Overlay zoning with conditions. City Staff: David Wahlgren, 499-6455.

Postponed indefinitely

Items 42 and 43 approved on, Councilmember Mitchell's motion, Councilmember Slusher's second, 7-0 vote.

44. C14-97-0010 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as South Pleasant Valley at Elmont Drive from "GR", Community Commercial to "MF-3", Multifamily Residence (medium density). Planning Commission Recommendation: To Grant "MF-3-CO", Multifamily Residence (medium density)-Conditional Overlay zoning with conditions. City Staff: Antonio Gonzalez, 499-2243.

Approved first reading only, *Neighborhood and applicant agree that the applicant will comply with current parking requirements for all multi-family residential uses per 13-5-107 Schedule A, with the additional requirement of one parking space for each additional bedroom on Councilmember Mitchell's motion, Councilmember Slusher's second, 6-0-1 vote, Councilmember Reynolds "ABSTAINING".

45. C14-97-0020 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 12200 North Mo-Pac SB Expressway from "LR", Neighborhood Commercial to "GR", Community Commercial. Planning Commission Recommendation: To Grant "GR", Community Commercial District zoning. City Staff: David Wahlgren, 499-6455.

Ordinance No. 970515-J approved on, Councilmember Mitchell's motion, Councilmember Slusher's second, 7-0 vote.

PUBLIC HEARINGS

46. 6:00P.M. - Public hearing for annexation of Regency Village. (Councilmember Jackie Goodman and Mayor Pro Tem Gus Garcia)
Motion to close public hearing on, Councilmember Griffith's motion, Councilmember Slusher's second, 5-0 vote, Councilmember Mitchell off the dais, Mayor Todd absent.

EXECUTIVE SESSION (No Public Discussion on These Items)

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda.

47. Discuss real property acquisitions for the Balcones Canyonlands Preserve ("BCP").
48. Discuss possible acquisition of real property adjacent to the Convention Center.

Private Consultation with Attorney - Section 551.071

49. Discuss W.W. Deerfield Ltd. v. City of Austin; Cause No. 96-13413, Travis County District Court.
50. Discuss legal issues related to settlement agreement in Monaghan et al v. Maple Run at Austin MUD and the City of Austin.
51. Discuss legal issues concerning application of Texas Government Code Section 481.143 to development of property subject to rezoning Case No. C14-84-0160. **(Related to Item 30)**
52. Discuss intervention in the federal Energy Regulatory Commission application of PG&E Corporation and Valero Energy Corporation for approval of Merger. (Docket No. EC 97-22-00)

ACTION ON EXECUTIVE SESSION ITEMS

53. Consider settlement proposal in W.W. Deerfield Ltd. v. City of Austin; Cause No. 96-13413, Travis County District Court.
Approved on Mayor Pro Tem Garcia's motion, Councilmember Mitchell's second, 5-0-1 vote, Councilmember Goodman "ABSTAINING", Councilmember Griffith off the dais.

ADDENDUM
May 15, 1997

Development Review and Inspection

54. Approve second reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as Josh Ridge Boulevard and Harrisglenn Drive, Case No. C14-94-0168, from "I-RR", Interim Rural Residence to "MF-2-CO", Multifamily Residence (low density)-Conditional Overlay District zoning for Tract 2B, and "SF-2", Single Family Residence (standard lot) District zoning for Tract 2A, with conditions. First reading on July 11, 1997; Vote 7-0. City Staff: Don Perryman, 499-2786. (continued from 5-8-97)
Postponed one week to May 22, 1997, request by Law Department.

ADJOURNED at 9:30 p.m.

Approved on this the 5th day of June, 1997 on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Mitchell off the dais.